

EXHIBIT A
Complaint
June 8, 2022

Clerk of the Superior Court
*** Electronically Filed ***
S. Allen, Deputy
6/8/2022 4:18:39 PM
Filing ID 14410994

GREGORY LAW GROUP
Robert M. Gregory, Esq. (021805)
1230 West Windhaven Avenue
Gilbert, Arizona 85233
Phone: (602) 373-0109
Fax: (602) 865-7060

Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

NATANYA OAKLEY, a single woman,)	No.: CV2022-092459
Plaintiff,)	COMPLAINT
vs.)	NEGLIGENCE
LIFETIME FITNESS, INC., d/b/a LIFETIME)	(Jury Trial Requested)
FITNESS, a foreign corporation; JOHN)	
DOES I-V; JANE DOES I-V; ABC)	
PARTNERSHIPS I-X; and XYZ)	
CORPORATIONS I-X,)	
Defendant.)	

Plaintiff NATANYA OAKLEY by and through counsel undersigned, for her
Complaint, alleges as follows:

1. Venue and jurisdiction are proper in Maricopa County, Arizona.
2. At all relevant times, Plaintiff NATANYA OAKLEY was a resident of Maricopa County, Arizona.
3. Plaintiff alleges, upon information and belief, that Defendant LIFETIME FITNESS, INC. d/b/a LIFETIME FITNESS ("Defendant") is authorized to and doing business in the State of Arizona, and caused an event to occur in Arizona, and caused an event to occur in Arizona that is the subject of Plaintiff's Complaint herein.
4. Plaintiff alleges that on September 23, 2021 she was a member of Defendant's fitness center located in Phoenix, Arizona.

6. Any individual Defendant named herein acted at all times material hereto, both individually and for and on behalf of the marital community consisting of such individual Defendant and his or her spouse.

8. The amount of controversy satisfies the jurisdictional requirement of the Superior Court.

9. Plaintiff realleges the foregoing paragraphs 1-8 as if fully set forth herein.

10. On September 23, 2021, at approximately 6:40 p.m., Plaintiff was leaving a training class at Defendant's facility and was walking to the elevator. Without any warning signs provided by Defendant, Plaintiff tripped on an elevated tile in the floor, causing her to fall hard onto her left knee and suffering a whiplash injury. Plaintiff's fall was witnessed by the fitness class instructor of Plaintiff's training class as well as another person who was in the class.

11. On September 23, 2021, Plaintiff filed an Incident Report with staff members working for Defendant in which she documented her fall and injuries. In support of the Incident Report, Plaintiff subsequently provided Defendant with an affidavit in which she detailed the accident and her injuries.

12. On or about September 24, 2021, Plaintiff spoke with Kayla (LNU), the General Manager at Defendant's facility where Plaintiff was injured. In the

1 conversation between Plaintiff and the General Manager, Plaintiff remembers that
2 Kayla acknowledged that she was aware that there were loose or uneven tiles where
3 Plaintiff had fallen and that these same tiles needed to be replaced often. In this same
4 conversation, Plaintiff asked Kayla if there was camera footage of Plaintiff's fall, to
5 which Kayla replied that Defendant did have camera footage of the incident and would
6 retain that footage for thirty (30) days. Plaintiff specifically directed Kayla to not
7 destroy this footage and to retain it in the event that this matter ever came to litigation.

8 13. In order to further document her claims, Plaintiff took several photos of
9 the tile which had caused her to fall, which photos clearly showed that the tile on
10 which Plaintiff had fallen was elevated.

11 14. As a result of her fall, Plaintiff has suffered from severe left knee pain
12 and whiplash since September 23, 2021. Plaintiff has received pain injections to her
13 neck, physical therapy, and chiropractic treatment, all of which has provided
14 temporary relief to her neck pain. Plaintiff still has difficulty putting full pressure onto
15 her left knee as of May 17, 2022 and her neck pain has partially abated.

16 15. Upon information and belief, Defendant's General Manager, and
17 presumably other staff members, were fully aware that one of the tiles in an area
18 where members of Defendant's facility routinely walked had a tile that was often
19 uneven, presenting a substantial risk of a serious injury.

20 16. Defendant had a duty to keep its premises safe and free and clear from
21 any unreasonably safe hazardous and/or dangerous conditions.

22 17. Defendant failed to keep its premises safe and free and clear from any
23 unreasonably unsafe, hazardous and/or dangerous conditions and breached its duty
24 by failing to maintain its premises by repairing tiles in areas frequented by members of
25 Defendant's facility, and/or by failing to notify the patrons and invitees and guests of
26 Defendant's facility, including Plaintiff, of an unreasonably unsafe, hazardous and/or
27 dangerous condition(s) for persons like Plaintiff. Defendant's negligence was caused
28 by the negligent and careless manner in which Defendant attended to and maintained
its premises.

1 18. Defendant knew or should have known that the presence of uneven tiles
2 in areas frequented by members of Defendant's facility, including Plaintiff, was an
3 unreasonably unsafe, hazardous and/or dangerous condition(s) and could cause
4 members of Defendant's facility, including Plaintiff, to slip and fall and be injured.

5 19. Defendant had a non-delegable duty to keep all of its premises free and
6 safe from unreasonably unsafe, hazardous, and/or dangerous conditions which may
7 cause injury to members of Defendant's facility, including Plaintiff.

8 20. As a direct and proximate result of Defendant's negligence and its failure
9 to provide premises that were safe and free and clear from any unreasonably unsafe,
10 hazardous and/or dangerous condition(s), Plaintiff, Natanya Oakley, slipped and fell
11 on an uneven tile and suffered serious and potentially permanent personal injuries and
12 damages.

13 21. As a further direct and proximate result of Defendant's negligence,
14 Plaintiff sustained severe, potentially permanent and disabling injuries which have
15 resulted in considerable pain, suffering, inconvenience, and loss of enjoyment of life,
16 and will continue to do so in the future.

17 22. As a further direct and proximate result of Defendant's negligence,
18 Plaintiff has incurred medical and related expenses for care and treatment and may
19 continue to do so in the future.

20 WHEREFORE, Plaintiff Natanya Oakley requests judgment against the
21 Defendant, as follows:

- 22 A. For general damages in a fair and reasonable amount;
23 B. For the reasonable value of Plaintiff's medical and related expenses
24 incurred to date and any future expenses;
25 C. For the reasonable value of Plaintiff's pain and suffering;
26 D. For punitive damages;
27 E. For Plaintiff's costs and expenses incurred to date, and to be incurred in
28 the future of this action; and
 F. For such other and further relief as the Court may deem just and proper.

1 DATED this 8th day of June, 2022.

2 **GREGORY LAW GROUP**

3
4 By /s/Robert M. Gregory
5 Robert M. Gregory, Esq.
6 1230 West Windhaven Avenue
7 Gilbert, Arizona 85233
8 *Attorneys for Plaintiff*
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EXHIBIT B

Civil Cover Sheet

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
S. Allen, Deputy
6/8/2022 4:18:39 PM
Filing ID 14410995

Plaintiff's Attorney:

Robert M Gregory
Bar Number: 021805, issuing State: AZ
Law Firm: Gregory Law Group
1230 West Windhaven Avenue
Gilbert, AZ 85233
Telephone Number: (602)373-0109
Email address: robert@gregorylawaz.com

CV2022-092459

Plaintiff:

Natanya Oakley, NKA Natanya Oakley
1342 E. 9th Avenue
Mesa, AZ 85204
Telephone Number: (929)228-6988
Email address: ooaakn@gmail.com

Defendant:

Lifetime Fitness, Inc., DBA Lifetime Fitness
300 W. Clarendon Avenue Suite 240
Phoenix, AZ 85013

Discovery Tier t2

Case Category: Tort Non-Motor Vehicle
Case Subcategory: Negligence

EXHIBIT C

Summons

Clerk of the Superior Court
*** Electronically Filed ***
S. Allen, Deputy
6/8/2022 4:18:39 PM
Filing ID 14410997

Person/Attorney Filing: Robert M Gregory
Mailing Address: 1230 West Windhaven Avenue
City, State, Zip Code: Gilbert, AZ 85233
Phone Number: (602)373-0109
E-Mail Address: robert@gregorylawaz.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 021805, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Natanya Oakley, NKA Natanya Oakley

Plaintiff(s),

Case No. CV2022-092459

v.

Lifetime Fitness, Inc., DBA

SUMMONS

Lifetime Fitness

Defendant(s).

To: Lifetime Fitness, Inc., DBA Lifetime Fitness

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *June 08, 2022*

JEFF FINE
Clerk of Superior Court

By: *SENA ALLEN*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

EXHIBIT D
**Certificate of Compulsory
Arbitration**

Clerk of the Superior Court
*** Electronically Filed ***
S. Allen, Deputy
6/8/2022 4:18:39 PM
Filing ID 14410996

Person/Attorney Filing: Robert M Gregory
Mailing Address: 1230 West Windhaven Avenue
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Phone Number: (602)373-0109
E-Mail Address: robert@gregorylawaz.com
[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 021805, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Natanya Oakley, NKA Natanya Oakley
Plaintiff(s),

Case No. CV2022-092459

v.

Lifetime Fitness, Inc., DBA
Lifetime Fitness
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Robert M Gregory /s/
Plaintiff/Attorney for Plaintiff

EXHIBIT E
Demand Letter
March 17, 2022



GREGORY LAW GROUP

MEDICAL MALPRACTICE • PERSONAL INJURY •
WRONGFUL DEATH

EST. 2004

1230 W. Windhaven Avenue
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robert@gregorylawaz.com

March 17, 2022

Bob Capecci
Sr. Claim Specialist
CorVel Corporation
P.O. Box 4400
Lisle, IL 60532

Bahram Akradi, President
Life Time Fitness, Inc.
d/b/a Life Time Fitness
c/o Cogency Global, Inc., statutory agent
300 W. Clarendon Ave., Ste. 240
Phoenix, AZ 85013

Re: Natanya Oakley Accident Claim
Claim No.: 1486-GL-21-0300082-001
DOI: September 23, 2021

Mr. Capecci:

My firm has been retained by Natanya Oakley in preparation of filing a lawsuit in Maricopa County Superior Court against your insured, Life Time Fitness, Inc. d/b/a Life Time Fitness Biltmore ("LTF"), for injuries sustained by Ms. Oakley on September 23, 2021, at the LTF facility in Phoenix, Arizona.

I am submitting a demand letter at this time for the limited purpose of attempting to settle this matter prior to initiating litigation. Because Ms. Oakley, age 36, suffered knee and whiplash injuries due to the slip and fall at your facility, my client has instructed me to file suit on or before May 1, 2022, in the event the parties have not reached a settlement by that date.

LIABILITY

On September 23, 2021, at approximately 6:40 p.m., Ms. Oakley was leaving her Hydro training class located in the pool area and was walking to the private entrance elevator. Without



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any warning, Ms. Oakley tripped and fell directly onto her left knee. When she attempted to stand, she realized that her flip flop was broken and upon examination of the area where she fell Ms. Oakley discovered an uneven area of the pavement.

Ms. Oakley filed an incident report with the staff members at LTF in which she documented her fall and injuries. (See Incident Report, attached as Exh. 1.) In support of the incident report, Ms. Oakley also provide LTF with an affidavit in which she wrote more extensively of the incident. (See Affidavit of Incident dated 9/24/2021, attached as Exh. 2.) You will note that there was a witness to my client's injury who we will call upon, if necessary, to corroborate my client's Affidavit.

On or about September 24, 2021, Ms. Oakley spoke with Kayla, the General Manager at LTF, about her accident the previous day. According to my client, Kayla acknowledged that she was aware that there were loose or uneven tiles where Ms. Oakley fell and that they needed to be replaced frequently, which Kayla attributed to bad design. In this conversation, Ms. Oakley asked if LTF had camera footage of the incident. Kayla responded that LTF did have camera footage and would retain that footage for thirty (30) days. Ms. Oakley specifically directed that LTF not destroy this footage and keep it for disclosure should this matter ever become litigated. I will assume for purposes of this letter that LTF complied with my client's instructions and has retained the footage. In the event that LTF has not kept the footage, I will instruct the Court that LTF's failure to keep the footage constitutes spoliation and I will seek an adverse instruction against LTF.

In order to further document what she claimed in the Incident Report, Ms. Oakley took several photos of the tile on which she slipped, as well as the injury to her left knee and the broken flip flop. (See Photos, attached as Exh. 3.) As can be clearly seen in the photos, the tile was uneven and presented a serious trip hazard. Arizona law is very clear that businesses like LTF are obligated to keep their premises in a condition that are safe for invitees like my client, and that LTF's failure to provide a safe walking area for my client constitutes actionable negligence.

As laid out more fully below, the injuries sustained by Ms. Oakley are not insignificant. If this matter proceeds to litigation, I will have a medical doctor prepare an expert report in order to determine my client's future prognosis for complications from her injuries.



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MEDICAL TREATMENT

Since her accident on September 23, 2021, Ms. Oakley has received pain injections, chiropractic treatment and physical therapy to treat her knee injury and whiplash.

On October 8, 2021, because the pain in her knee had not abated and her knee was still swollen, Ms. Oakley went to Urgent Care and received a Toradol injection. Soon thereafter, Ms. Oakley presented to Price Chiropractic and began a six-week regimen of 3x/week treatment. (*See Chiropractic Medical Records, attached as Exh. 4.*)

On November 22, 2021, despite doing six weeks of chiropractic care, Ms. Oakley's knee and neck were still in pain. She presented to her primary care physician, Dr. Lawrence Kramer, who referred her to Foothills Sports Medicine to receive physical therapy on her knee and neck. Ms. Oakley started treatment at Foothills Sports Medicine on November 23, 2021 and completed treatment on January 6, 2022. (*See Foothills Sports Medical Records, attached as Exh. 5.*)

The full extent of my client's medical injuries is not presently known, but it is likely that her medical costs will exceed \$50,000 before she has completed treatment, especially if she ultimately requires arthroscopic surgery and additional rehab.

DAMAGES

My client has suffered both economic and pain and suffering damages from the injuries she sustained on September 23, 2021. These damages are summarized as follows:

(A) Medical Injuries

Ms. Oakley's knee is still in pain and she is concerned that she may ultimately need arthroscopic surgery to determine if there was more extensive damage to her knee. The cost of arthroscopic surgery and post-surgical recovery could be as much as \$35,000 if there is a torn meniscus. My client is going to re-evaluate her knee pain before this summer and if there is still pain she is going to return to her PCP to seek a referral to an orthopedic surgeon.



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(B) Emotional Injuries

Ms. Oakley has suffered extreme mental anxiety and depression due to her injuries. The medical care she was required to receive, and the possibility of future medical care, combined with the monetary costs for medical care and her job, has disrupted Ms. Oakley's mental state and caused her to feel anxiousness, especially when she goes to LTF.

(C) Economic Injuries

Because of the injuries she sustained, Ms. Oakley has not been able to resume her normal work schedule as a professional chef and was required to hire an assistant for her business, resulting in total payments of \$2,100.00 from October 12, 2021 until November 27, 2021.

Foothills Sports Medicine has filed a medical lien in the amount of \$5,470.00. (*See Medical Lien and Ledger, attached as Exhs. 6-7.*)

Price Chiropractic has issued a final statement for services in the amount of \$4,255.00. (*See Chiropractic Bill, attached as Exh. 8.*)

Ms. Oakley has also received seven massages since her accident in the amount of \$343.00.

To date, Ms. Oakley has incurred medical and economic costs of over \$12,168.00. If Ms. Oakley requires arthroscopic injury in the coming months or years, this cost will rise to over \$50,000.00.

ADDITIONAL LEGAL THEORIES

It is my client's understanding based on her conversation with LTF's General Manager that LTF was well aware of the trip hazard presented by the tile on which Ms. Oakley slipped. Ultimately, this is a matter subject to discovery (should this matter proceed to litigation), which discovery will reveal how long LTF was aware of the trip hazard yet failed to repair it.

In the event it is established that LTF was aware of but failed to correct the trip hazard, its inaction represents a substantial risk of significant bodily harm to others, i.e., gross negligence, and further opens the door for me to raise to the jury the issue of punitive damages. Prior jury verdicts in Arizona show that juries are willing to award punitive damages against businesses



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who knowingly place persons at risk of serious harm. I fully anticipate asking the jury for an award of punitive damages of \$250,000.

DEMAND FOR SETTLEMENT

Ms. Oakley is entitled to reasonable and fair compensation for damages she suffered as a result of the accident caused by your failure to maintain a safe facility. My client is willing this claim without litigation, and she will entertain any reasonable offer you make. However, I have been instructed to file suit if your settlement offer is not reasonable and fair. Please note that I have been instructed to file the complaint in Maricopa County Superior Court alleging negligence and punitive damages if this matter has not resolved by May 1, 2022.

I am currently authorized to accept \$125,000 in settlement of my client's claim. If this matter does not settle on or prior to May 1, 2022, then my client will seek a far more substantial amount at the time of trial. I anticipate asking the jury for damages of no less than \$500,000, exclusive of punitive damages. I will ask the jury to consider punitive damages in an amount equal to the compensatory damages. If a life care plan shows future medical costs will likely be incurred, then I will ask the jury to award damages consistent with the plan.

Please review the enclosed documents and contact me to discuss settlement. This letter is for settlement purposes only and is not intended to be an admission of any relevant facts, nor is it to be offered in evidence or otherwise used for any purpose other than settlement.

Sincerely,

THE GREGORY LAW GROUP

/s/Robert M. Gregory
Robert M. Gregory

RMG/dlg
Enclosures

EXHIBIT F
Current Docket
Maricopa County Superior Court

There are no judgments on file

EXHIBIT G
Declaration of Counsel
June 24, 2022

MATTHEW D. KLEIFIELD, SB#011564
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ROBERT C. ASHLEY, SB #022335
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Firm email: azdocketing@lewisbrisbois.com
Attorneys for Defendant Life Time, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Natanya Oakley, a single woman,

Plaintiff,

vs.

Lifetime Fitness, Inc., d/b/a Lifetime
Fitness, a foreign corporation; John Does I-
V; Jane Does I-V; ABC Partnerships I-X;
and XYZ Corporations I-X,

Defendant.

No.

Maricopa County Superior Court Cause
No. CV2022-092459

**DECLARATION OF ROBERT C.
ASHLEY**

The undersigned, ROBERT C. ASHLEY, hereby declares as follows:

1. I am counsel for Life Time, Inc. ("Life Time") in this action.
2. I have firsthand knowledge of the matters set forth herein. I submit this

verification pursuant to LRCiv 3.6(b).

3. Exhibits A, B, C and D to the Notice of Removal filed concurrently herewith
constitute true and correct copies of all pleadings and other documents that have been filed
with the Superior Court in and for the State of Arizona, Maricopa County.

I declare under penalty of perjury that the foregoing is true and correct to the best of
my knowledge.

DATED this 24th day of June, 2022.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By s/ Robert C. Ashley
Matthew D. Kleifield
Robert C. Ashley
Attorneys for Defendant Life Time, Inc.

EXHIBIT H
Notification of Notice
Of Removal

MATTHEW D. KLEIFIELD, SB#011564
Matthew.Kleifield@lewisbrisbois.com
ROBERT C. ASHLEY, SB #022335
Robert.Ashley@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
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Firm email: azdocketing@lewisbrisbois.com
Attorneys for Defendant Life Time, Inc.

SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

NATANYA OAKLEY, a single woman,
Plaintiff,
vs.

No. CV2022-092459

**NOTIFICATION OF NOTICE OF
REMOVAL**

LIFETIME FITNESS, INC., d/b/a
LIFETIME FITNESS, a foreign
corporation; JOHN DOES I-V; JANE
DOES I-V; ABC PARTNERSHIPS I-X;
and XYZ CORPORATIONS I-X,
Defendant.

TO THE CLERK OF THE COURT, PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on the 24th day of June, 2022, Defendant Life Time, Inc. (incorrectly named as “Life Time Fitness, Inc.”) filed its Notice of Removal in the United States District Court for the District of Arizona for removal of this action to that Court. A full and correct copy of said Notice of Removal is attached hereto as **Exhibit 1**.

DATED this 24th day of June, 2022.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Robert Ashley

Matthew D. Kleifield

Robert C. Ashley

Attorneys for Defendant Life Time, Inc.

1 ORIGINAL of the foregoing e-filed this
2 24th day of June, 2022.

3 COPY of the foregoing emailed this date
4 to:

5 Robert M. Gregory
6 Gregory Law Group
7 1230 West Windhaven Avenue
8 Gilbert, Arizona 85233
9 robert@gregorylawaz.com
10 *Attorneys for Plaintiff*

11 /s/ Kathryn M. Mascari